



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/462,761	01/12/2000	RISTO MAKIPAA	99.922	5482

7590 08/12/2003

MCDONNELL BOEHNEN
HULBERT & BERGHOFF
300 SOUTH WACKER DRIVE
CHICAGO, IL 60606

EXAMINER

SWICKHAMER, CHRISTOPHER M

ART UNIT	PAPER NUMBER
----------	--------------

2697

DATE MAILED: 08/12/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/462,761

Applicant(s)

MAKIPAA, RISTO

Examiner

Christopher M Swickhamer

Art Unit

2697

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 January 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This Office Action is in response to the Amendment filed 06/02/03. Amended claims 18-20 have been entered. Claims 12-25 are pending, currently no claims are in condition for allowance.

Drawings

2. The drawings are objected to because figures 2 and 3 lack labels for all parts shown in the drawings. Suggested items to be labeled include '3a,' '2a,' '2,' '4,' and '5' in figures 2 and 3, and '4a,' '7,' and '9' which appear solely in figure 3. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 12-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Claim 12 recites the limitation "the data" in line 5 of the claim. There is insufficient antecedent basis for this limitation in the claim. The Examiner will interpret "the data" as being the "identification and control data" of lines 3-4 of the claim.

Art Unit: 2697

- Claim 12 recites the limitation "the multiplexed frames" in line 5 of the claim. There is insufficient antecedent basis for this limitation in the claim. The Examiner will interpret "the multiplexed frames" as "multiplex form" in line 2 of the claim.

- Claim 22 recites the limitation "the multiplexed frames" in line 6 of the claim. There is insufficient antecedent basis for this limitation in the claim. The Examiner will interpret "the multiplexed frames" as a "multiplexed form" of line 2 on the claim.

- Regarding claim 22, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Objections

5. Claim 12 is objected to because of the following informalities: in line 2 of the claim, the word "method" appears for no functional reason. The Examiner will interpret the claim as station "in which different selection data" instead of "in which method selection data." Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 2697

7. Claims 12-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Coleman et al (USP 5,844,620, hereinafter Coleman). Referring to claim 12, Coleman discloses a method for providing a customer with services which can be transmitted in a multiplexed form via a terminal connected to a network, in which (method) different selection data (time slot, program title, etc.) regarding available services is presented to the customer for selecting a service (the services available for selection include television programs, movies, sports events, etc. col. 5, lns. 65-col. 6, lns. 15), wherein the selection data for the selection of the service is formed by using the identification and control data (col. 13, lns. 5-15) of the services located in the multiplexed IPG packets (frames) used for service transmission (Fig. 3, col. 13, lns. 1-50), the identification and control data in the IPG packets (data) being transmitted separately for displaying the selection data without displaying the actual program (with no data regarding the actual service, col. 6, lns. 1-20). The system of Coleman sends an interactive program guide (IPG) in IPG packets listing the available services. The IPG packets are multiplexed with the N different services. The IPG allows the user to select between the different programs while not actually viewing the programs available for selection. The IPG packet has information identifying the different programs, and control information on how to process the information at the receiver (col. 13, lns. 1-40).

- Referring to claim 13, Coleman discloses a method as claimed in claim 12, wherein for presenting the services, said identification and control data is delivered to the customer's terminal separately with no actual data of the service located in the multiplexed IPG packet (frame, col. 5, lns. 65-col. 6, lns. 40).

Art Unit: 2697

- Referring to claim 14, Coleman discloses a method as claimed in claim 13, wherein a IPG (service directory) which comprises the selection data and by which the services are presented on a display unit is created from said identification and control data (col. 6, lns. 30-50).

- Referring to claim 15, Coleman discloses a method as claimed in claim 14, wherein a separate IPG (service directory) is compiled, on the basis of said identification and control data, from several services which can be transmitted in a multiplexed form and that said IPG (service directory) is transmitted to the display unit when it has been connected to an electronic network (col. 6, lns. 65-col. 7, lns. 15). This would happen when the system is started up, or when the system updated the schedule information sent in the IPG at the change of the hour.

- Referring to claim 16, Coleman discloses a method as claimed in claim 14, wherein said IPG (service directory) is compiled from the identification and control data of several multiplexed IPG packets (frames) comprising different services (col. 13, lns. 1-40).

- Referring to claim 17, Coleman discloses a method as claimed in claim 15, wherein said IPG (service directory) is compiled from the identification and control data of several multiplexed IPG packets (frames) comprising different services (col. 13, lns. 1-40).

- Referring to claim 18, Coleman discloses a method as claimed in claim 14 or 15 or 16 or 17, wherein said IPG (service directory) is continuously formed to servers operating in the electronic network in accordance with the predetermined multiplexed services and that when the terminal establishes a connection to said data network its server automatically transmits the IPG (service directory) to the display unit (col. 5, lns. 65-col. 6, lns. 20).

- Referring to claim 19, Coleman discloses a method as claimed in claim 12, wherein after the user has selected a service displayed on the display unit, the service selected by a

Art Unit: 2697

remote control (an indicating device) is delivered from the transmitting address to the receiver via the electronic network which is the most suitable for delivering the service (col. 5, lns. 65-col. 6, lns. 20, col. 19, lns. 1-30).

- Referring to claim 20, Coleman discloses a method as claimed in claim 12, wherein the selected service, such as a pay per view movie, is routed from the transmitting address to the receiver automatically on the basis of said identification and control data of the multiplexed IPG packet (frame, col. 5, lns. 65-col. 6, lns. 40). When a user selects a service, the service is sent to the user's home automatically.

- Referring to claim 21, Coleman discloses a method as claimed in claim 12, wherein the receiver is configured to receive the selected service on the basis of said identification and control data of the multiplexed IPG packet (frame, col. 13, lns. 1-40). The IPG packet contains identification and control information, such as decode tables, various program information, etc. The receiver receives the selected service on the basis of what is available in the IPG packet.

- Referring to claim 22, Coleman discloses a terminal in a telecommunication network, such as a television or a computer, which is arranged to receive a service transmitted in a multiplexed form (col. 5, lns. 65-col. 6, lns. 20), and which is arranged to present separate selection data (time slots, program titles, etc.) regarding the services of a service provider (such as HBO, pay per view sporting events, etc.) to the user for selecting a service, wherein the terminal is arranged to display the selection data of the service, which selection data is formed from the identification and control data which is located in the multiplexed IPG packets (program frames, col. 13, lns. 1-50) used for service transmission and which has been transmitted separately for presenting the selection data without displaying the actual service (with no data

Art Unit: 2697

regarding the actual service). The system of Coleman sends an interactive program guide (IPG) in IPG packets listing the available services. The IPG packets are multiplexed with the N different services. The IPG allows the user to select between the different programs while not actually viewing the programs available for selection. The IPG packet has information identifying the different programs, and control information on how to process the information at the receiver (col. 13, lns. 1-40).

- Referring to claim 23, Coleman discloses a terminal as claimed in claim 22, wherein to enable the formation of the selection data of the service, the terminal is arranged to receive the multiplexed packets (frames) without displaying the actual service (with no actual data regarding the service), and to form the selection data from them (col. 5, lns. 65-col. 6, lns. 40, col. 13, lns. 1-50). The user is given an interactive program guide sent in a multiplex form to display the available programs; the guide shows the program information without displaying the actual service.

- Referring to claim 24, Coleman discloses a terminal as claimed in claim 22, wherein for forming the selection data of the service, the terminal is arranged to receive the IPG (service directory) comprising the selection data and formed from the identification and control data in the IPG packet (col. 13, lns. 1-50). The user is provided with information on the services available through the IPG, the IPG has information identifying the available programs, and control information such as decode tables.

- Referring to claim 25, Coleman discloses a terminal as claimed in claim 22 or 23 or 24, wherein the terminal is configured to receive the selected service on the basis of said identification and control data of the multiplexed IPG packet (frame, col. 13, lns. 1-40). Based

on the available services, and the control information of the packet, the receiver is enabled to view the services listed in the IPG packets.

Response to Arguments

8. Applicant's arguments with respect to claims 12-25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Chaney et al, USP 5,867,207. *Program Guide in a Digital Video System*.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M Swickhamer whose telephone number is (703) 306.4820. The examiner can normally be reached on 8:00-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (703) 305.4798. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-9571 for regular communications and (703) 872.9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305.3900.

CMS
July 10, 2003


RICKY NGO
PRIMARY EXAMINER